

## **Remarks**

Claims 1, 4-8, 10-17, and 20-34, and 36-92 are pending in the application. Claims 12-16 have been withdrawn from consideration. Claims 1, 4-8, 10, 11, 17, 20-34, and 36-84 are allowed, and claims 85-92 stand rejected.

Claim 85 has been amended so that it depends solely from claim 6 and does not depend from claim 1. No claims have been added or canceled. Thus, Applicant respectfully submits that no additional claims fees are due.

No new matter has been added by the present Amendment. Applicant specifically reserves the right to pursue the subject matter of the canceled or amended claims in a related application. The present Amendment is introduced for the sole purpose of furthering prosecution. Applicant respectfully requests reexamination and reconsideration of the case in light of the present Amendments and the following Remarks. Each of the rejections levied in the Office Action is addressed individually below.

### Information Disclosure Statement

As Applicant indicated in a voicemail left for the Examiner on April 5, 2010, Applicant will soon submit an Information Disclosure Statement (IDS) for the Examiner's consideration. Applicant respectfully requests that any subsequent action issued by the Examiner include an indication that all of the references cited in the IDS (*e.g.*, on the PTO Form SB/08) have been considered by the Examiner. Applicant respectfully requests that the Examiner telephone Applicant's representative with any questions concerning the upcoming submission of the IDS.

### Rejection under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite

Claims 85-92 stand rejected under 35 U.S.C. § 112, second paragraph, on the grounds that they are indefinite.

The Examiner states that there is insufficient antecedent basis for recitation of "the composition" in claim 85. The Examiner points out that (1) claim 85 depends from claim 1, (2) that claim 1 is directed to "agents," (3) claim 85 is directed to "the composition," and, therefore, (4) claim 85 lacks antecedent basis. Applicant thanks the Examiner for pointing out this inadvertent error. Previously presented claim 85 depended from either of claims 1 or 6. Applicant, therefore, has amended claim 85 so that it depends only from claim 6, and does not

depend from claim 1. Since claim 6 recites a “composition” instead of “agents,” Applicant respectfully submits that claim 85 contains sufficient antecedent basis for recitation of “the composition.” Applicant respectfully requests that the rejection be removed.

Examiner further noted that claim 43 is a substantial duplicate of claim 85, claim 44 is a substantial duplicate of claim 86, claim 45 is a substantial duplicate of claim 87, claim 46 is a substantial duplicate of claim 88, claim 47 is a substantial duplicate of claim 89, claim 48 is a substantial duplicate of claim 90, claim 49 is a substantial duplicate of claim 91, and claim 50 is a substantial duplicate of claim 92. The Examiner appears to arrive at this conclusion because previously presented claim 85 was dependent from either of claims 1 or 6. Applicant, therefore, respectfully submits that this rejection has been rendered moot by the present amendment to claim 85.

Title of the Invention

In the previous Office Action mailed on February 10, 2009, the Examiner stated that the title of the invention was not descriptive and that a new title was required. In the response to the February 10, 2009 Office Action, submitted on May 11, 2009, and in the response to the June 30, 2009 Office Action, submitted on August 12, 2009, Applicant respectfully disagreed and submitted that the title was descriptive. Applicant also requested that the Examiner suggest a title that would be acceptable.

The Examiner did not repeat the objection to the title of the invention in the present Office Action. Applicant is unclear whether the Examiner has withdrawn this objection or if the Examiner intended to include this objection in the present Office Action, but inadvertently failed to do so. If the Examiner continues to object to the title of the invention, in the interest of expediting prosecution, Applicant respectfully requests that the Examiner telephone Applicant in order to discuss and agree upon an acceptable title to be entered directly into the application via an Examiner’s amendment.

Conclusion

For all of the reasons set forth above, each of the rejections in this case should be removed and the application should proceed to allowance. A Notice to that effect is respectfully requested.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner's convenience. The undersigned can be contacted at (617) 248-4903.

Applicant respectfully submits that no other fees are due besides those explicitly listed in this Response. If, however, the USPTO disagrees, please charge *only* fees that are *necessary* to maintain pendency and/or protect the filing date of the present application to our Deposit Account Number 03-1721, referencing Attorney's Docket Number 2008725-0051. To the extent that there are any discrepancies between what Applicant has paid with the filing of the present Application and what the USPTO believes is owed, Applicant respectfully requests that a Notice be issued explaining any such discrepancy.

Respectfully submitted,

/Katherine Nicole Clouse/  
Katherine Nicole Clouse, PhD  
Registration Number: 62,750

Choate, Hall & Stewart LLP  
Two International Place  
Boston, MA 02110  
t (617) 248-4903  
f (617) 502-5002  
[nclouse@choate.com](mailto:nclouse@choate.com)  
Date: April 5, 2010